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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,870

04/16/2004

Iddys D. Figueroa

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08/04/2009

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SELLMAN, CACHET I

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

08/04/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/825,870	Applicant(s) FIGUEROA ET AL.	
	Examiner CACHET I. SELLMAN	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-21,54,56-58,60,62,80-98 and 100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54, 56-58, 60,62, and 80-91 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-21,92-98 and 100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant failed to address the objection to the specification as presented in the previous office action dated 1/12/2009, therefore the rejection is maintained.

1. The disclosure is objected to because of the following informalities: On page 14 of the specification paragraph 0040, it states "As illustrated in Figure 4, the polymer/gelatin solution (400) may be disposed onto a substrate (180) by an inkjet material dispenser (150)." The inkjet material dispenser should be (150') to correlate with the drawing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1, 3-5, 7-21, 92-98 and 100 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In independent claim 1, the applicants claim using the same inkjet dispenser to dispense the structural material and the jettable pharmaceutical solution. However, support for this limitation is not provided in the specification. The specification (see

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paragraph 0019, 0021, 0022, 0040 and Figures 1 and 4-5) teaches using a plurality of ink jet dispensers (150, 150') to dispense the structural material and jettable pharmaceutical solution. Specifically the applicant teaches dispensing the structural material using dispenser (150') and the jettable solution using (150) see Figure 1. There is no indication or suggestion in the specification of the use of one ink jet dispenser to dispense the structural material as well as the jettable solution. The specification teaches using a movable cartridge holding the two dispensers thereon. Therefore the specification does not provide support for one dispenser to dispense both structural material and jettable solution.

In regard to the newly submitted claim 100, the applicant does not provide support showing that the inkjet dispenser comprises a moveable carriage supporting a first inkjet material dispenser dispensing the structural material and a second inkjet material dispenser for dispensing the pharmaceutical solution. The specification along with the drawings clearly shows the inkjet dispenser(s) as (150, 150') (see Figures, 0020, 0021, 0022, 0040) but not as a collective system as described in the claim

Allowable Subject Matter

4. Claims 54, 56-58, 60, 62, and 80-91 are allowed.

Response to Arguments

5. Applicant's arguments, see page 13-14, filed 4/10/2009, with respect to claim 54 have been fully considered and are persuasive. The rejection of claims 54, 56-58, 60, 62, and 80-91 have been withdrawn. The 35 USC 112, first paragraph rejection of claim 54 is withdrawn since the claim does not require the use of the same inkjet dispenser.

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6. Applicant's arguments filed 4/10/2009 have been fully considered but they are not persuasive with respect to the rejection of claims 1, 3-5, 7-21, and 92-98 under 35 USC 112, first paragraph.

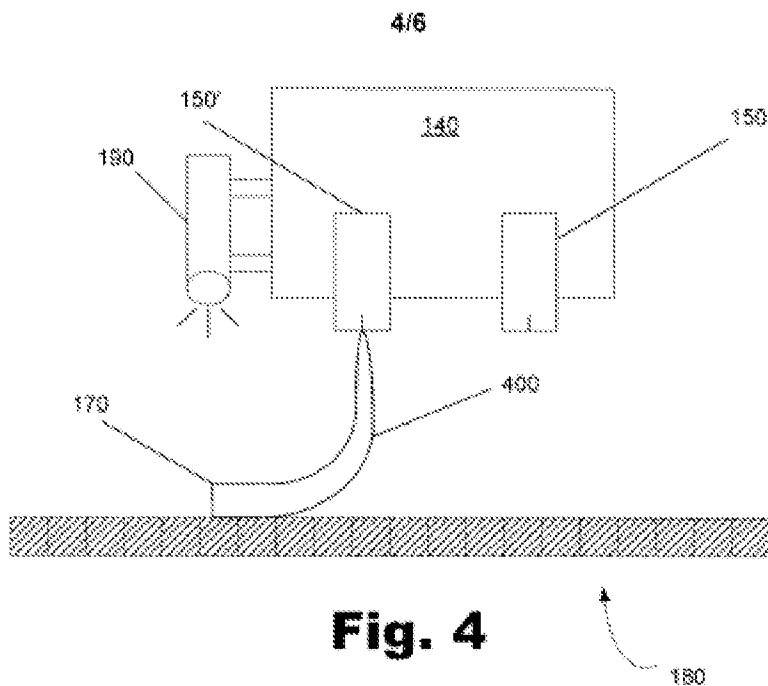
Applicant's Arguments

(1) The applicant argues support can be found in paragraph 0039 for using the same inkjet dispenser for depositing the structural material and the jettable pharmaceutical solution. Applicant states paragraph 0039 states "the polymer/gelatin solution (400) may be disposed onto a substrate (180) by inkjet material dispenser (150), the Examiner believes the applicant is referring to paragraph 0040 of the specification and not 0039. The Applicant further cites paragraph 0043 to show that the pharmaceutical solution is also jetted from the same inkjet dispenser (0150).

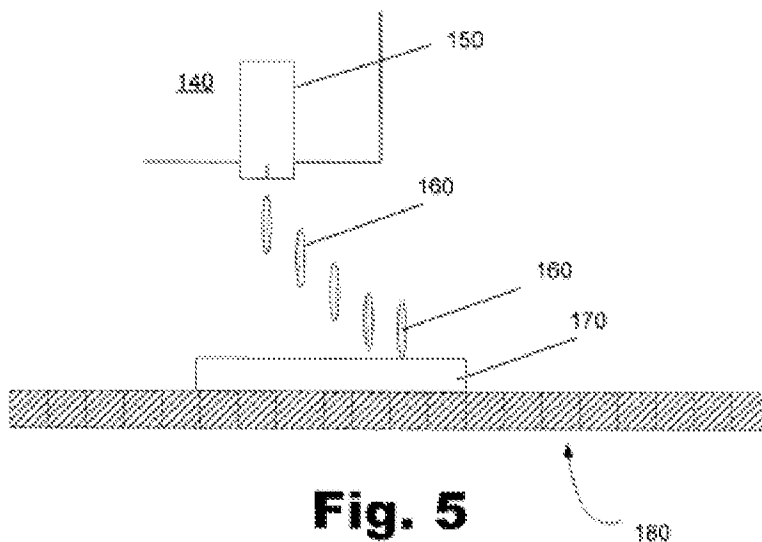
(2) Applicant further argues that the Examiner's interpretation of "inkjet dispenser" is too narrow. Applicant states that in inkjet dispensing systems different nozzles or even separate print heads are provided to dispense different materials and these systems are still called "ink jet dispensers" (see page 14 of arguments). Applicant further states that the "ink jet dispenser" of claim 1 can refer to the carriage (140) and "the two inkjet heads" (150, 150') collectively as the "ink jet dispenser" (see page 14 of arguments).

Examiner's Response

(1) Paragraph 0040 of the specification refers to Figure 4 (shown below).



As shown in the Figure, the polymer /gelatin (400) is being dispensed from inkjet material dispenser (150') and not (150). Applicant has failed to address the objection to the specification in the previous office action addressing this error. As shown in the figure two inkjet dispensers are being used to dispense the polymer/gelatin (400) and the pharmaceutical material (160) (see Fig. 5 below).



The specification especially the paragraphs cited by the applicant fail to support the limitations of claim 1 for using the same inkjet dispenser to deposit the structural material and the pharmaceutical material.

(2) The Examiner would like to first note that in the specification the applicant refers to (150, 150') as ink jet dispensers (see 0019-0023,0040, and 0043) and not ink jet head as stated on page 14 of the arguments. The applicant clearly states that (150, 150') are ink jet dispensers and does not state they collectively form **one** ink jet dispenser when coupled with a movable cartridge (140) and a servo control system. Applicant's arguments are not persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CACHET I. SELLMAN whose telephone number is (571)272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman
Examiner
Art Unit 1792

/C. I. S./
Examiner, Art Unit 1792

/William Phillip Fletcher III/
Primary Examiner, Art Unit 1792